

**Department of Insurance
Commissioner of Insurance**

Regulation 45—Filing of Affirmative Action Plans

Under the authority of R.S. 22:3 and R.S. 49:950 et seq., the Commissioner of Insurance hereby adopts the following regulation, which establishes guidelines for filing affirmative action plans with the Commissioner of Insurance.

Proposed Regulation 45

Section 1. Authority

This regulation is promulgated under the authority of Title 22:1923 A.(1) of the Insurance Code of the State of Louisiana and the Administrative Procedure Act, R.S. 49:950 et seq.

Section 2. Purpose

The purpose of this regulation is to implement R.S. 22:1923 A.(1), which requires an insurer to file an affirmative action plan upon the violation of a cease and desist order issued by the commissioner after hearing.

Section 3. Applicability and Scope

This regulation applies to any insurer that is called for hearing before the commissioner for violating Part X of the Insurance Code (Equal Opportunity In Insurance) and found to be in violation of a Cease and Desist Order issued in accordance with the provisions of R.S. 22:1923 A. It sets forth the minimum content and procedures for the filing of an affirmative action plan by an insurer who violates Part X of the Insurance Code, and who then violates a cease and desist order issued by the commissioner after hearing.

Section 4. Content and Procedure

A. The commissioner shall notify an insurer of its violation of a cease and desist order issued pursuant to Part X of the Insurance Code by Certified U.S. Mail, return receipt requested. Said notification shall also direct the insurer to file an affirmative action plan.

B. The notice shall require the insurer to file its plan within 20 days of receipt of the notice.

C. The insurer shall file its plan by means of the U.S. Mail, and it shall contain the minimum requirements stated in R.S. 22:1923 C.(4)(a) and (b).

D. The insurer shall address the plan to the attention of the Office of Minority Affairs.

Section 5. Effective Date

This regulation shall become effective upon final promulgation in the *Louisiana Register*.

James H. "Jim" Brown
Commissioner of Insurance